

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

9 RITZ CAMERA & IMAGE, LLC, a
10 Delaware Limited Liability Company,
11 On Behalf of Itself and Others Similarly
12 Situated,
13 Plaintiff,
14 vs.
15 SANDISK CORPORATION,
16 Defendant.

Case No: C 10-02787 SBA
ORDER
Docket 126, 127

On March 19, 2013, Plaintiff Ritz Camera & Image, LLC ("Plaintiff") filed a motion to transfer Plaintiff's interest, which seeks an order substituting Alfred T. Giuliano, Chapter 7 Trustee of Ritz Camera & Image, LLC, for Ritz Camera & Image, LLC as the Plaintiff in this action pursuant to Rule 25(c) of the Federal Rules of Civil Procedure. Dkt. 116. On April 30, 2013, Plaintiff filed a motion to supplement the record on its motion to transfer interest with "newly available evidence." Dkt. 126. Specifically, Plaintiff requests to supplement the record with "(1) Judge Gross's Order Granting the Application of Alfred T. Giuliano, Chapter 7 Trustee Authorizing the Retention and Employment of Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., Berry Law P.L.L.C. and Morgan Duffy-Smith & Tidalgo LLP as Co-Special Antitrust Counsel to the Chapter 7 Trustee, dated April 26, 2013 ("Bankruptcy Court Retention Order") (Exhibit A); and (2) the Affidavit of Alfred T. Giuliano, Chapter 7 Trustee, dated April 30, 2013 ("Giuliano Affidavit") (Exhibit B)." *Id.* In response, Defendant SanDisk Corporation ("Defendant") has filed an administrative

1 motion requesting that the Court set a briefing schedule and hearing date on Plaintiff's
2 motion to supplement the record on its motion to transfer interest. Dkt. 127.

3 Having read and considered the papers filed in connection with these matters and
4 being fully informed, the Court hereby GRANTS Plaintiff's motion to supplement the
5 record on its motion to transfer interest, and DENIES Defendant's administrative motion.
6 Plaintiff may supplement the record with the Bankruptcy Court Retention Order and the
7 Giuliano Affidavit. Defendant may file a supplemental brief addressing this evidence not
8 to exceed five (5) pages by no later than May 10, 2013. Plaintiff may file a reply not to
9 exceed five (5) pages by no later than May 17, 2013. The hearing on Plaintiff's motion to
10 transfer interest is CONTINUED to June 4, 2013. The case management conference
11 scheduled for May 30, 2013 is CONTINUED to June 20, 2013 at 3:15 p.m. This Order
12 terminates Docket 126 and Docket 127.

13 IT IS SO ORDERED.

14 Dated: 5/3/13



SAUNDRA BROWN ARMSTRONG
United States District Judge

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